

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Baumann et. al.)	Examiner: Allen J. Flanigan
Serial No.: 10/755,632)	Group Art Unit: 3744
Confirmation No.: 1072)	Docket No.: 06-0561
)	
For: HIGH CONDUCTIVITY FINSTOCK)	Filed: January 12, 2004
ALLOY, METHOD OF MANUFACTURE)	
AND RESULTANT PRODUCT)	

**RESPONSE TO JANUARY 26, 2009 NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF (37 CFR §41.37(c)(1)(v)) AND SUPPLEMENTAL
APPELLANT'S BRIEF ON APPEAL**

March 25, 2009
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the above-captioned Notification, Applicants submit a corrected section (v), "Summary of Claimed Subject Matter", intended to supplement section (v) of Appellant's June 4, 2007 Amended Brief on Appeal. The Notification provided for a period of one month or 30 days in which to file an amended brief or other correction pursuant to MPEP §1205.03, such time period may be extended pursuant to 37 CFR §1.136.

This Response is filed on March 25, 2009, within two months of the January 26, 2009 Notification, together with a Petition for a one month Extension of Time and fee of \$130.00, pursuant to 37 CFR §1.17(a). The amount of such fee may be charged to Deposit Account No. 01-1000, Ref. No. 06-0561.

Accordingly, this Response is timely filed.

Only the corrected section (v), “Summary of Claimed Subject Matter” is filed in this Response, intended to supplement the originally-filed June 4, 2007 Appellant’s Amended Brief on Appeal. This is in accordance with the January 26, 2009 Notice, which stated in relevant part (emphasis added):

Appellant **may choose to only submit the defective section of the brief**

(Notice, page 1); *see also* MPEP 1205.03(B).

SUPPLEMENTAL APPELLANT'S BRIEF ON APPEAL

This Supplemental Appellant's Brief On Appeal incorporates by reference sections 1. through 4. and 6. - 7. and the Claims, Evidence, and Related Proceedings Appendices filed in the June 4, 2007 Appellant's Amended Brief on Appeal in the above-captioned matter. Section 5., below, is intended to replace section 5. originally filed in the June 4, 2007 Appellant's Amended Brief on Appeal, in accordance with the above-captioned Notice.

37 CFR §41.37(c)(1)(v): SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 10, and 14 are independent. A concise explanation of the subject matter defined in each independent claim is given below, emphasizing at least several instances where explanation and/or support for the relevant claim limitation is found in the specification and claims. Page and line numbers in the specification are given as (Ppp.ll), where "P" indicates that a page/line reference follows, "pp" indicates the page number and "ll" indicates the line number. Drawing references are given herein as (Ddd.rr), where "D" indicates a drawing reference follows, "dd" indicates a drawing, or figure, number and "rr" indicates a reference character.

1. Claim 1

Claim 1 is directed to

- **A finstock comprising:** (P. 1 l. 3 - P.1 l. 12; P.1 l. 23 - P. 1 l. 32; P. 2. l. 23-P. 3. l. 26; P. 4 l. 1 - P. 5 l. 2; P. 5 l. 12 - P. 6 l. 25; P. 6 l. 31 - P. 7 l. 7; P. 7 l. 26-P. 10 l. 31; P. 11 l. 7 - P. 15 l. 23; P. 20 l. 8; D.1.4; D.2)
- **An aluminum alloy comprised of**

- **About 0.7- 1.2% Si**, (P. 3 l. 2; P. 4 ll. 2-3; P. 4 ll. 21-22; P. 5 ll. 1, 12-13; P. 5 l. 21; P. 8 l. 4; P. 8 ll. 20-24; P. 9 l. 5; P. 13 ll. 20-24; P. 16 ll. 3, 17; P. 17 ll. 2, 16, 29; P. 18 ll. 11, 14; P. 20 l. 2).
- **Greater than 2.0 to about 2.4% Fe**, (P. 3 l. 2; P. 4 ll. 3, 22; P. 5 ll. 13, 21; P. 8 ll. 5, 25-32; P. 9 ll. 4; P. 10 ll. 30-31; P. 12 ll. 1-4; P. 13 ll. 20-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11,14; P. 20 l. 2).
- **About 0.6 - 1.0% Mn**, (P. 3 l. 2; P. 4 ll. 4, 23; P. 5 ll. 14, 22; P. 8 l. 6; P. 9 ll. 1-8; P. 13 ll. 21-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11,14; P. 20 l. 3).
- **Up to about 0.5% Mg**, (P. 4, ll. 4, 23-24; P. 5, ll. 15, 23; P. 8, ll. 6-7; P. 9, ll. 9-15; P. 13, ll. 21-34; P. 16 ll. 4, 18; P. 17 ll. 3, 17,30; P.18 ll. 12, 15; P. 20 l. 3).
- **Up to about 2.5% Zn**, (P. 3 l. 2; P. 4 ll. 5, 24; P. 5 ll. 15-16, 24; P. 8 ll. 7; P. 9 ll. 16-28; P. 13 ll. 21-24; P. 15 ll. 5-16; P. 16 ll. 4; P. 17 ll. 3, 16, 30; P. 18 l. 15; P. 20 l. 3).
- **Up to about 0.10% Ti**, (P. 4 ll. 6, 25; P. 5 ll. 5, 11; P. 8 l. 8; P. 10 ll. 1-5; P. 13 ll. 21-24; P. 16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20, l. 3).
- **And up to about 0.05% In**, (P. 4 ll. 6-7, 25-26; P. 5 ll. 17, 25; P. 8 l. 9; P. 9 ll. 26-32; P. 16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20 l. 4.)
- **With the remainder comprising Al and tolerable impurities**, (P. 4, ll. 7-8, 26-27; P. 5 l. 18, 26; P. 8 ll. 9-10, 15-16; P. 10 ll. 10-22; P. 16 ll. 5-15, 19-22; P. 17 ll. 4-14, 31-32; P. 18 ll. 1-9, 16; P. 19 ll. 27-31; P. 20 ll. 4-8).

- **Wherein the aluminum alloy when**
 - **Cast into an alloy strip and** (D. 2. 1 12; P. 5 1. 26 - P. 6 1. 1;
 - **Reduced by cold rolling produces a** (D. 2. 12; P. 5 1. 31 - P. 6 1. 11, 12-15)
 - **Finstock that is substantially free of breakage.** (P. 2 ll. 24-28; P. 3 1. 3, 20; P. 7, ll. 4-7; P. 11, ll. 11-12; P. 13, ll. 7-9; P. 14, ll. 14-25; P. 15, ll. 3-23.)

2. Claim 10

Claim 10 has the following elements:

- **A fin for a heat exchanger, comprising:** (D. 1, 4; P. 1, ll. 10, 15, 23, 30-31; P. 2, ll. 2, 26; P. 4, ll. 19, 28; P. 5, l. 8-9, 11; P. 7, ll. 14, 16, 23-24, 31-32; P. 9, ll. 9, 16; P. 10, ll. 10, 20; P. 17, ll. 1-17, 25-28).
- **An aluminum alloy comprised of**
 - **About 0.7- 1.2% Si,** (P. 3 l. 2; P. 4 ll. 2-3; P. 4 ll. 21-22; P. 5 ll. 1, 12-13; P. 5 l. 21; P. 8 l. 4; P. 8 ll. 20-24; P. 9 l. 5; P. 13 ll. 20-24; P. 16 ll. 3, 17; P. 17 ll. 2, 16, 29; P. 18 ll. 11, 14; P. 20 l. 2).
 - **Greater than 2.0 to about 2.4% Fe,** (P. 3 l. 2; P. 4 ll. 3, 22; P. 5 ll. 13, 21; P. 8 ll. 5, 25-32; P. 9 ll. 4; P. 10 ll. 30-31; P. 12 ll. 1-4; P. 13 ll. 20-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11, 14; P. 20 l. 2).
 - **About 0.6 - 1.0% Mn,** (P. 3 l. 2; P. 4 ll. 4, 23; P. 5 ll. 14, 22; P. 8 l. 6; P. 9 ll. 1-8; P. 13 ll. 21-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11, 14; P. 20 l. 3).

- **Up to about 0.5% Mg**, (P. 4, ll. 4, 23-24; P. 5, ll. 15, 23; P. 8, ll. 6-7; P. 9, ll. 9-15; P. 13, ll. 21-34; P. 16 ll. 4, 18; P. 17 ll. 3, 17,30; P.18 ll. 12, 15; P. 20 l. 3).
- **Up to about 2.5% Zn**, (P. 3 l. 2; P. 4 ll. 5, 24; P. 5 ll. 15-16, 24; P. 8 ll. 7; P. 9 ll. 16-28; P. 13 ll. 21-24; P. 15 ll. 5-16; P. 16 ll. 4; P. 17 ll. 3, 16, 30; P. 18 l. 15; P. 20 l. 3).
- **Up to about 0.10% Ti**, (P. 4 ll. 6, 25; P. 5 ll. 5, 11; P. 8 l. 8; P. 10 ll. 1-5; P. 13 ll. 21-24; P. 16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20, l. 3).
- **And up to about 0.05% In**, (P. 4 ll. 6-7, 25-26; P. 5 ll.17, 25; P. 8 l.9; P. 9 ll. 26-32; P.16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20 l. 4.)
- **With the remainder comprising Al and tolerable impurities**, (P. 4, ll. 7-8, 26-27; P. 5 l. 18, 26; P. 8 ll. 9-10, 15-16; P. 10 ll. 10-22; P. 16 ll. 5-15, 19-22; P. 17 ll. 4-14, 31-32; P. 18 ll. 1-9, 16; P. 19 ll. 27-31; P. 20 ll. 4-8).
- **Wherein the aluminum alloy finstock is** (D.2, *passim*; P. 1, ll. 7-13, P. 2, ll. 15-30; P. 3, ll. 1-26; P. 4, ll. 1-8; P. 4, ll. 15-27; P. 5, l. 11-32; P. 6, ll. 5- 25; P. 7, ll. 2-7, 19-25, 31-32; P. 8, ll. 3-19; P. 9., ll. 3-8, 16-18, 26-28; P. 10., ll. 6-8; 10-12; 19-20; 23-26; P. 11, ll. 3-32; P. 13, ll. 7-12; P. 14, ll. 3-23; and pp. 16-20 *passim*.
- **Reduced by cold rolling into a** (D. 2. 12; P. 5 l. 31 - P. 6 l. 11, 12-15)
- **Fin for a heat exchanger that is substantially free of cracks.** (P.2, ll. 15-18, 27-28; P.3, l. 3, 11-13, 18-20; P.4, ll. 17-18; P. 7, ll. 4-7, 15-18, 23-25; P. 11, ll. 7-12; P. 13, ll. 9-12; P. 14, ll. 12-15, 21-24; P. 15, ll. 3-23; P. 16, ll. 27-30.

3. Claim 14

Claim 14 has the following elements:

- **A brazed aluminum heat exchanger comprising:** (D. 1; P. 1, ll. 8, 11, 14-22, 28-32; P. 2, ll. 1-8, 20-21, 26-27; P. 3, ll. 16-17; P. 4, ll. 19-26; P. 5, ll. 3-18; P. 6, l. 30; P. 7, ll. 3-18, 26-30; P. 15, ll. 13-23; P. 17, *passim*; P. 18, ll. 1-12).
 - **At least one tank structured to hold a coolant;** (D.1, 10; P.1, l. 17; P.5, l. 4; P.7, l. 28; P. 17, *passim*; P. 18, ll. 1-12.)
 - **A header plate coupled to said at least one tank,** (D.1, 8; P. 5, ll. 4-5; P. 7, ll. 28-29; P. 17, *passim*; P. 18, ll. 1-12.)
 - **Said header plate including a plurality of apertures;** (D.1, 8; P.5, ll. 5-6; P. 7, ll. 28-29; P. 17, *passim*; P. 18, ll. 1-12.)
 - **A plurality of substantially parallel fluid-carrying tubes** (D. 1, 6; P. 5, ll. 6-8; P. 7, ll. 28-30; P. 17, *passim*; P. 18, ll. 1-12.)
 - **Each extending substantially perpendicular from one of said plurality of apertures in said header plate and** (D. 1, 6; P. 5, ll. 6-8; P. 7, ll. 30-31; P. 17, *passim*; P. 18, ll. 1-12.)
 - **Structured to receive said coolant therethrough; and** (D. 1, 6; P. 5, ll. 6-8; P. 7, ll. 30-31; P. 17, *passim*; P. 18, ll. 1-12.)
 - **A plurality of fins disposed between said plurality of fluid-carrying tubes,** (D. 1, 4; P. 5, ll. 8-9; P. 7, ll. 31-32; P. 17, *passim*; P. 18, ll. 1-12; P. 17, *passim*; P. 18, ll. 1-12.)
 - **Said fins being**
 - **substantially free of cracks and .** (P.2, ll. 15-18, 27-28; P.3, l. 3, 11-13, 18-20; P.4, ll. 17-18; P. 7, ll. 4-7, 15-18, 23-25; P. 11, ll. 7-

12; P. 13, ll. 9-12; P. 14, ll. 12-15, 21-24; P. 15, ll. 3-23; P. 16, ll. 27-30.

- **In thermal communication with said plurality of fluid-carrying tubes and** (D. 1; P. 5, 8-9).
- **Structured to transfer heat away therefrom, in order to cool said coolant as it circulates therein,** (D. 1; P. 5, ll. 9-10);
- **Said plurality of fins comprising: an aluminum alloy finstock comprised of**
 - **About 0.7- 1.2% Si,** (P. 3 l. 2; P. 4 ll. 2-3; P. 4 ll. 21-22; P. 5 ll. 11. 12-13; P. 5 l. 21; P. 8 l. 4; P. 8 ll. 20-24; P. 9 l. 5; P. 13 ll. 20-24; P. 16 ll. 3, 17; P. 17 ll. 2, 16, 29; P. 18 ll. 11, 14; P. 20 l. 2).
 - **Greater than 2.0 to about 2.4% Fe,** (P. 3 l. 2; P. 4 ll. 3, 22; P. 5 ll. 13, 21; P. 8 ll. 5, 25-32; P. 9 ll. 4; P. 10 ll. 30-31; P. 12 ll. 1-4; P. 13 ll. 20-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11, 14; P. 20 l. 2).
 - **About 0.6 - 1.0% Mn,** , (P. 3 l. 2; P. 4 ll. 4, 23; P. 5 ll. 14, 22; P. 8 l. 6; P. 9 ll. 1-8; P. 13 ll. 21-24; P. 16 ll. 4, 17; P. 17 ll. 3, 16, 30; P. 18 ll. 11, 14; P. 20 l. 3).
 - **Up to about 0.5% Mg,** (P. 4, ll. 4, 23-24; P. 5, ll. 15, 23; P. 8, ll. 6-7; P. 9, ll. 9-15; P. 13, ll. 21-34; P. 16 ll. 4, 18; P. 17 ll. 3, 17, 30; P. 18 ll. 12, 15; P. 20 l. 3).

- **Up to about 2.5% Zn**, (P. 3 l. 2; P. 4 ll. 5, 24; P. 5 ll. 15-16, 24; P. 8 ll. 7; P. 9 ll. 16-28; P. 13 ll. 21-24; P. 15 ll. 5-16; P. 16 ll. 4; P. 17 ll. 3, 16, 30; P. 18 l. 15; P. 20 l. 3).
- **Up to about 0.10% Ti**, (P. 4 ll. 6, 25; P. 5 ll. 5, 11; P. 8 l. 8; P. 10 ll. 1-5; P. 13 ll. 21-24; P. 16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20, l. 3).
- **And up to about 0.05% In**, (P. 4 ll. 6-7, 25-26; P. 5 ll. 17, 25; P. 8 l. 9; P. 9 ll. 26-32; P. 16 ll. 5, 18; P. 17 ll. 4, 17, 31; P. 18 ll. 12, 15; P. 20 l. 4.)
- **With the remainder comprising Al and tolerable impurities**, (P. 4, ll. 7-8, 26-27; P. 5 l. 18, 26; P. 8 ll. 9-10, 15-16; P. 10 ll. 10-22; P. 16 ll. 5-15, 19-22; P. 17 ll. 4-14, 31-32; P. 18 ll. 1-9, 16; P. 19 ll. 27-31; P. 20 ll. 4-8).

REMARKS

The above Supplemental Appellant's Brief On Appeal is submitted so as to supplement section v. of the Appellant's June 4, 2007 Amended Brief On Appeal; and so as to place the above-captioned Appellant's June 4, 2007 Amended Brief On Appeal in substantial compliance with the applicable 37 CFR and MPEP regulations governing proper submission of an Appellant's Brief to the Board of Patent Appeals and Interferences, consistent with the January 26, 2009 Notice.

No additional fees are believed due. If any additional fee is due, the amount of such fee may be charged to Deposit Account No. 01-1000, Ref. No. 06-0561.

Respectfully submitted,

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